IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY NINTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 11350 of 2000

Between:

1 Sri K.V. Subba Rao, President
B-8, D.B. Colony, Durgabai Deshmukh Colony Welfare Association,

Hyderabad-500 007.
2 Sri V.S.R. MOORTY, Secretary
B-8, D.B. Colony, Durgabai Deshmukh Colony Welfare Association,

Hyderabad-500 007.

..... PETITIONER(S)

AND

1 The City TownPlanner, M.C.H. Commercial Complex,
Tankbund Road, Hyderabad.
2 The Commissioner, Municipal Corporation of Hyderabad
Commercial complex, Tankbund Road, Hyderabad.
3 The Chairman, Hyderabad Urban Development Authority 1-8-328, Paigha Palace, Opp: Police Lines, Begumpet, Hyderabad.
4 The Prl. Secretary to Govt. of AP, Municipal Administration and Urban Development (HMA & UD) Department, Secretariat, Hyderabad.
5 The Chief Secretary to Govt. of AP,
Secretariat, Hyderabad.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to

issue an Order, direction, or a writ, more particularly one in the nature of writ of Mandamus calling for records and remarks from the respondents herein in and connected to the illegal constructions of multi-storied buildings in Durgabai Deshmukh Colony, which is old colony adjacent to the Osmania University being permitted by the Municipal Corporation of Hyderabad without observing he F.S.T. or building regulations resulting in parking of vehicles on the roads causing obstruction to the vehicular traffic, and the buildings are being utilised for commercial purposes, even though it is a residential area which is contrary to the zoning regulations and that the roads, the sewerage and water supply are being affected severely devised for smaller number of houses which are unable to cope up with additional burden cost by the C.I.S.T. by the flat owners and construction of another multi storied building at the beginning of 'B' lane of the above said colony, when already six multi storied buildings have been constructed and prays the Hon'ble Court to intervene in the matter and to pass orders by issuing suitable directions to Municipal Corporations of Hyderabad to implement the building regulations vigorously in granting permissions for constructions of multi storied buildings and to take action against such buildings as are used for commercial purposes contrary to Zonal regulations and further direct the Urban Development Authority (H.U.D.A) to implement the Zonal Regulations strictly and the space demarcated for a park which is encroached may be re-allotted and to pass such other or order further orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.MANDALAPU RAMACHANDRA REDDY

Counsel for the Respondent Nos.1 to 3: MR.RAMA RAO GANTA, S.C. for MCH

Counsel for the Respondents 4 and 5: G.P. for Municipal Administration

The Court Made the Following Oral Order: (per Sri Devinder Gupta, CJ)

It is only a taken up petition making a grievance that constructions were being made illegally in the vicinity of Durgabhai Deshmukh Colony adjacent to Osmania University.

Despite notice, no counter affidavit was filed and on 21.12.2000 direction was issued to the Commissioner, Municipal Corporation of Hyderabad and Secunderabad and also the Secretary, HUDA to look into the complaint and take appropriate action in the matter.

In the absence of any further details, no further directions need to be issued in this writ petition, except directing the aforementioned three authorities to look into the grievances as made in the complaint and after spot verification and obtaining reports, pass appropriate orders thereon, in case, there has been some illegality committed by the builders, strictly in accordance with law.

The writ petition is accordingly disposed of.

_____ DEVINDER GUPTA, CJ

Date: 29th November, 2004

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G. ROHINI, J

Pnb

1 The City Town Planner, M.C.H. Commercial Complex,
Tankbund Road, Hyderabad.
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Development (HMA & UD) Department, Secretariat, Hyderabad.
5 The Chief Secretary to Govt. of AP,
Secretariat, Hyderabad.

6 Two C.Cs. to the Government Pleader for Municipal Administration,

High Court Buildings, Hyderabad (OUT).

7 Two C.D. copies